REMARKS

Claims 1-24 are pending and stand rejected.

The Office Action rejected claims 1, 3, 4, 6, 8, 9, 11-12, 14, 16, 17, 19, 20, 22, and 24 under 35 USC 103(a) as being unpatentable over United States Patent Publication 2003/0123466 (hereinafter "Somekh") in view of United States Patent No. 6,252,849 (hereinafter "Rom"). Office Action at 2. Applicant respectfully disagrees.

The Office Action's combination of Somekh and Rom does not teach or suggest (e) generating pause messages at the second gateway based at least in part on the reception of acknowledgement messages by the second gateway or (f) transmitting the pause messages from the second gateway to the first gateway, as required by independent claims 1, 9, and 17. The Office Action argues that these elements are taught in Somekh paragraphs [0226] and [0228], which are repeated below:

> [0226] In some embodiments of the invention, when more than a predetermined time passes between the end of the connection establishment negotiation stage on network 34B and gateway 36B did not yet receive packet 312, gateway 36B repeatedly transmits frame 314 with guess values (or predetermined values) until packet 312 is received, in order to prevent modem 32B from disconnecting the connection due to the long silence interval. As is known in the art, modem 32B will respond with frames 316 to each frame 314 transmitted by gateway 36B. Gateway 36B does not respond to these frames 316 with response frame 320 and does not transmit packets 318 responsive to these frames 316.
>
> * * *
>
> [0228] When gateway 36B receives packet 312 before the connection establishment negotiation stage on network 34B is completed, gateway 36B optionally waits to the end of the negotiation stage before transmitting frame 314. In some embodiments of the invention, Gateway 36B reports the delay to gateway 36A in a suitable packet, and gateway 36A repeatedly transmits frames 322 with guess values to modem 32A, in order to stall the connection on network 34A. As is known in the art, modem 32A responds to repeatedly transmitted frames 322 with response frames 324. It is noted, however, that since gateway 36A does not confirm the receipt of response frames 324, the connection on network 34A does not proceed.

The Office Action contends that:

> Somekh in paragraph 228 disclose that gateway 36B optionally waits to the end of the negotiation stage before transmitting frame as corresponds to step e) [generate] pause messages at the second gateway based at least in part on the reception of acknowledgement messages by the second gateway. Thus Somehk teaches that gateway 36B can transmit a frame before the response the response from modem 32B (paragraph 226), where it also disclose in paragraph 230 that a packet which reports the delay due to

network would be transmitted from 36B to 36A which is to stall the connection on the network (paragraph 228).

Paragraphs [0226] and [0228] are part of the description of Fig. 9c, which is shown in the margin.

Paragraph [0226] describes a situation in which more than a predetermined period of time passes after the connection establishment negotiation stage on network 34B during which Gateway B has not received packet 312. To keep Modem B from disconnecting "due to the long silence interval," Gateway B repeatedly transmits frames 314 to Modem B. Modem B responds with frames 316 to each frame 314. Importantly, Gateway B "does not transmit frames 318 responsive to these frames 316." Thus, during the interval described in paragraph [0226], Gateway B does not transmit to Gateway A. Further, Gateway B does not generate a message in response to the frames 316 that it receives from Modem B. The transmissions between

FIG.9C

Gateway B and Modem B are merely to keep Modem B from disconnecting. Accordingly, the situation in paragraph [0226] does not satisfy elements (e) and (f) of independent claims 1, 9, and 17 because Gateway A does not (e) generate pause messages based at least in part on the reception of acknowledgement messages by the second gateway; or (f) transmit the pause messages to Gateway B.

Paragraph [0228] describes a different situation in which Gateway B receives packet 312 from Gateway A before the connection protocol negotiations between Gateway A and Gateway B have been completed. Thus, the situation in paragraph [0228], which describes receiving packet 312 before the connection protocol negotiations are complete, would never occur at the same time as the situation in paragraph [0226], which describes not receiving packet 312 even after the connection protocol negotiations have completed, and cannot reasonably be combined. In paragraph [0228], Gateway B reports the delay to Gateway A "in a suitable packet." Receipt of the report from Gateway B causes Gateway A to repeatedly transmit frames 322 to Modem A, which responds with response frames 324. Gateway B's message to Gateway A is not based on
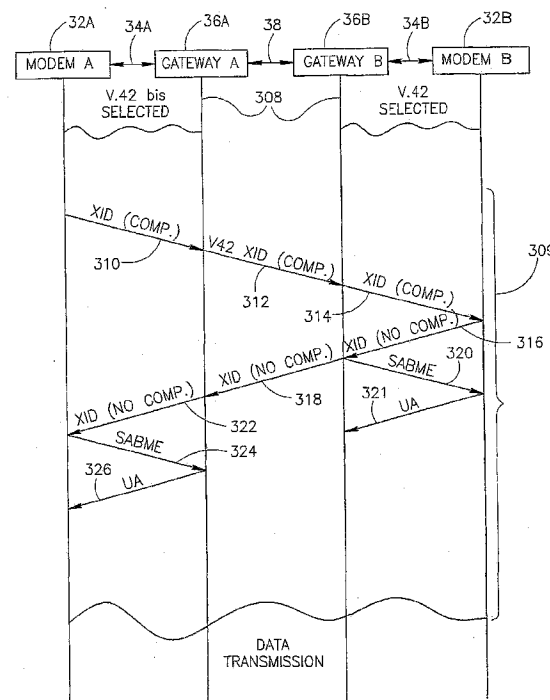
messages from Modem B. It is based on a failure to timely receive packet 312 from Gateway B. Thus, the situation in paragraph [0228] does not satisfy element (e) of independent claims 1, 9, and 17 because Gateway A does not (e) generate pause messages based at least in part on the reception of acknowledgement messages by the second gateway. Since paragraph [0228] does not satisfy element (e) it also does not satisfy element (f) because it does not transmit pause messages from Gateway B to Gateway A.

Even an improper combination of paragraphs [0226] and [0228], which describe situations that occur under conditions that cannot simultaneously exist, does not teach elements (e) and (f) for the reasons described above.

Thus, Somekh does not teach or suggest elements (e) and (f) of independent claims 1, 9, and 17. The Office Action does not argue that Rom provides the missing elements. The Office Action argues that Rom teaches pause messages but the Office Action's combination still relies on Somekh to teach the transmission of messages from Gateway B to Gateway A, and Applicant showed above that Somekh does not teach or suggest that element. Therefore, the Office Action's combination of Somekh and Rom would be missing elements (e) and (f). Claims 3, 4, 6, 8, 11-12, 14, 16, 19, 20, 22, and 24 depend from one of claims 1, 9, and 17 and are patentable for at least the same reasons. Applicant respectfully requests that this rejection be withdrawn.

The Office Action rejected claims 2, 7, 10, 15, 18, and 23 under 35 USC 103(a) as being unpatentable over Somekh in view of Rom and further in view of United States Patent Publication No. 2004/0196785 (hereinafter "Janakiraman"). Applicant respectfully disagrees. Claims 2, 7, 10, 15, 18, and 23 depend from one of independent claims 1, 9, and 17. Applicant has shown that the Office Action's combination of Somekh and Rom is missing elements of independent claims 1, 9, and 17. The Office Action's combination of Somekh and Rom is missing the same elements in claims 2, 7, 10, 15, 18, and 23. The Office Action does not argue that Janakiraman provides the missing elements. Therefore, the Office Action's combination of Somekh, Rom and Janakiraman would be missing the same elements. Applicant respectfully requests that this rejection be withdrawn.

The Office Action rejected claims 5, 13, and 21 under 35 USC 103(a) as being unpatentable over Somekh in view of Rom and further in view of United States Patent Publication No. 2002/0075873 (hereinafter "Lindhorst-ko"). Applicant respectfully disagrees. Claims 5, 13, and 21 depend from one of independent claims 1, 9, and 17. Applicant has shown

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that the Office Action's combination of Somekh and Rom is missing elements of independent claims 1, 9, and 17. The Office Action's combination of Somekh and Rom is missing the same elements of claims 5, 13, and 21. The Office Action does not argue that Lindhorst-ko provides the missing elements. Therefore, the Office Action's combination of Somekh, Rom and Lindhorst-ko would be missing the same elements. Applicant respectfully requests that this rejection be withdrawn.

SUMMARY

Applicant contends that the claims are in condition for allowance, which action is requested. Applicant does not believe any fees are necessary with the submitting of this response. Should any fees be required, Applicant requests that the fees be debited from deposit account number 50-4370.

Respectfully submitted,

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